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**TO:** Examiner Jon D. Epperson, Ph.D. **FROM:** Frank C. Eisenschenk, Ph.D.**COMPANY:** U.S. Patent Office, Art Unit 1639 **DATE:** January 10, 2005**FAX NO.:** 1-703-872-9306 **NO. OF PAGES:** 6  
(INCLUDING COVER SHEET)

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**SUBJECT/MESSAGE:**

Re: U.S. Patent Application Docket No. TPI-T200XC1  
HIGH-THROUGHPUT FORMATION, IDENTIFICATION AND ANALYSIS  
OF DIVERSE SOLID-FORMS  
(Cima, Levinson, Lemmo, Galakatos, Putnam)  
Serial No. 09/756,092; filed January 8, 2001

Attachments: Petition and Fee for Extension of Time Under 37 CFR § 1.136(a)  
Election Under 35 USC § 121§

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Frank C. Eisenschenk, Ph.D., Patent Attorney

ELECTION UNDER 35 U.S.C. § 121  
Examining Group 1639  
Patent Application  
Docket No. TPI-T200XC1  
Serial No. 09/756,092

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Examiner : Jon D. Epperson  
Art Unit : 1639  
Applicants : Michael J. Cima, Douglas Levinson, Anthony V. Lemmo, Nicholas Galakatos, David A. Putnam  
Serial No. : 09/756,092  
Filed : January 8, 2001  
Conf. No. : 5650  
For : High-Throughput Formation, Identification and Analysis of Diverse Solid Forms

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313

ELECTION UNDER 35 U.S.C. § 121

Sir:

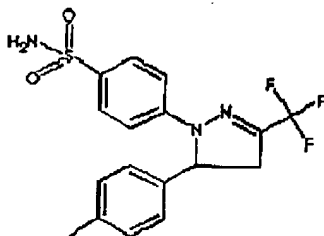
A Petition and Fee for a four-month Extension of Time through and including January 10, 2005 accompanies this Election.

In response to the written Restriction Requirement dated August 10, 2004 in the above-identified patent application, Applicants hereby elect to prosecute the following:

- 1) as the species of small molecule pharmaceutical, Applicants elect celecoxib (4-[5-(4-methylphenyl)-3-(trifluoromethyl)-1H-pyrazol-1-yl] benzenesulfonamide; 4-(1,1,1-trifluoromethyl-5-(4-methylphenyl)pyrazol-1-yl)- benzenesulfonamide, which has not evaded crystallization and is a known compound. The empirical formula for

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celecoxib is  $C_{17}H_{14}F_3N_3O_2S$  and the molecular weight is 381.38. The specific structure for celecoxib is:



- 2) as the species of tubes, Applicants elect glass vials;
- 3) as the species of support plates or sample well plates, Applicants elect heating/cooling block (a support plate);
- 4) as the species of automated dispensing apparatus, Applicants elect a Tecan Genesis with septum piercing capability;
- 5) as the species of formulation software, Applicants elect Matlab software;
- 6) as the species of informatics, Applicants elect Microsoft Excel;
- 7) as the species of analysis, Applicants elect Raman spectroscopy;
- 8) as the species of array number, Applicants elect at least 96 samples wherein 0 subarrays are contained within said array;
- 9) as the species of solvent used for all samples, Applicants elect sodium hydroxide (NaOH);
- 10) as the species of sample difference, Applicants elect the amount of water between samples;
- 11) as the species of method for grouping, Applicants elect Raman spectroscopy;
- 12) as the species of grouping, Applicants elect samples with a single polymorph;
- 13) as the species of processing method, Applicants elect cooling;
- 14) as the species of sample amount, Applicants elect less than 100  $\mu g$ ;
- 15) as the species of sample volume, Applicants elect 100  $\mu l$ ;
- 16) as the species of components if present, Applicants elect a polymorphic form and sodium chloride (NaCl); in an aqueous solution as the additive;

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Docket No. TPI-T200XC1  
Serial No. 09/756,092

- 17) as the species of physical property screened, Applicants elect solubility;
- 18) as the species of structural property screened, Applicants elect particle size;
- 19) as the species of crystalline salt form, Applicants elect solvate.